

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RODERICK MAGGAY,
Plaintiff,
v.
OFFICER MICKE, et al.,
Defendants.

Case No. 21-cv-04994 BLF (PR)

**ORDER GRANTING IN PART
MOTION FOR SECOND
EXTENSION OF TIME TO FILE
SECOND AMENDED COMPLAINT**

(Docket No. 29)

Plaintiff, a federal prisoner, filed a *pro se* civil rights action pursuant to 42 U.S.C. § 1983 against staff at the Santa Rita County Jail. Dkt. No. 1. On July 14, 2022, the Court issued an order granting leave to file a second amended complaint and staying briefing. Dkt. No. 25. On August 11, 2022, the Court issued an order granting an extension of time to file a second amended complaint. Dkt. No. 27. Plaintiff was directed to file a second amended complaint no later than September 26, 2022. *Id.*

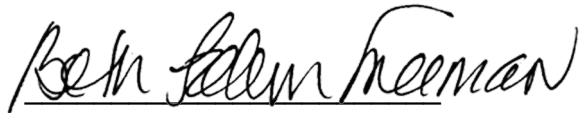
Plaintiff has filed a motion for a second extension of time to file a second amended complaint because the law library is restricted due to Covid-19 and staffing shortages. Dkt. No. 29. Good cause appearing, the Plaintiff's 90-day extension of time motion is GRANTED IN PART. Plaintiff shall file a second amended complaint using the Court's form complaint **no later than forty-two (42) days from the date this order is filed.**

1 The second amended complaint must include the caption and civil case number
2 used in this order, *i.e.*, Case No. 21-cv-04994 BLF (PR), and the words “SECOND
3 AMENDED COMPLAINT” on the first page. Plaintiff must answer all the questions on
4 the form in order for the action to proceed. Plaintiff is reminded that the second amended
5 complaint supersedes the original and amended complaints, and Plaintiff may not make
6 references to either in the second amended complaint. Claims not included in the second
7 amended complaint are no longer claims and defendants not named in a second amended
8 complaint are no longer defendants. *See Ferdik v. Bonzelet*, 963 F.2d 1258, 1262 (9th
9 Cir.1992).

10 **Failure to respond in accordance with this order by filing a second amended**
11 **complaint in the time provided will result in this action proceeding based on the**
12 **cognizable claims in the amended complaint, as discussed in the Court’s initial**
13 **screening order, Dkt. No. 14.**

14 **IT IS SO ORDERED.**

15 **Dated:** October 4, 2022

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17 BETH LABSON FREEMAN
18 United States District Judge
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